



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope, with sufficient postage, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

July 8, 2004

Date of Deposit

Gregory H. Zayia - Reg. No. 48,059

Name of Applicant, Assignee or
Registered Representative

Gregory Zayia
Signature

July 8, 2004
Date of Signature

Our Case No.: 11333/25

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yasunori Kawate

Serial No.: 10/629,296

Filing Date: July 28, 2003

For: Analyzers and Methods of
Analyzing Blood

Examiner: To Be Assigned

Group Art Unit No.: 1743

FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this First Supplemental Information Disclosure Statement be entered and the documents B1-B9 listed on the attached Form PTO-1449 be considered by the Examiner and made of record. Pursuant to the waiver to Rule 37 CFR 1.98(a)(2)(i) to submit copies of U.S. issued and published applications in Information Disclosure


Statements for patent applications filed after June 30, 2003, Applicant is not enclosing copies of references B1-B3. However, Applicant is enclosing copies of each of references B4-B9. A Copy of the European Search Report is also enclosed.

In accordance with 37 C.F.R. § 1.97(g),(h), this First Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This First Supplemental Information Disclosure Statement is being filed prior to the receipt of the first Official Action reflecting an examination on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with the filing of this First Supplemental Information Disclosure Statement. However, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to this communication, the Commissioner is hereby authorized to deduct the fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

Applicant respectfully requests that the listed documents be made of record in the present case.

Respectfully submitted,



Gregory H. Zeyia
Registration No. 48,059
Agent for Applicant

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610
(312) 321-4200



EFW

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

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 Date: July 8, 2004 Name: Gregory H. Zayia Signature: Gregory Zayia

BRINKS
HOFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: **Yasunori Kawate**

Appln. No.: **10/629,296**

Filed: **July 28, 2003**

For: **Analyzers and Methods of Analyzing Blood**

Attorney Docket No: **11333/25**

Examiner: **To Be Assigned**

Art Unit: **1743**

Mail Stop Amendment
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Transmittal Letter (in duplicate), First Supplemental Information Disclosure Statement (in duplicate), Form PTO-1449, Six (6) Cited References (B4-B9) and Copy of European Search Report.
- ☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 43=			x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=			+\$290=	
					Total	\$		Total	\$

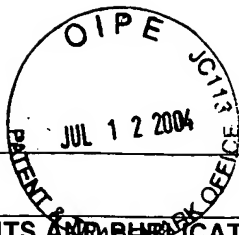
Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

July 8, 2004
 Date

Gregory Zayia
 Gregory H. Zayia (Reg. No. 48,059)



FORM PTO-1449	SERIAL NO. 10/629,296	CASE NO. 11333/25
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE July 28, 2003	GROUP ART UNIT 1743
(use several sheets if necessary)		APPLICANT(S): Yasunori Kawate

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	B1	6,287,791 B1	09/11/2001	Terstappen et al.		
	B2	6,228,652 B1	05/08/2001	Rodriguez et al.		
	B3	4,284,412	08/18/1981	Hansen et al.		

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	B4	WO 92/09682 A1	06/11/1992	PCT		No
	B5	WO 02/23154 A2	03/21/2002	PCT		No
	B6	EP 0 347 210 A2	12/20/1989	EPO		No
	B7	EP 0 455 125 A2	11/06/1991	EPO		No
	B8	EP 0 722 087 A1	07/17/1996	EPO		No

OTHER ART – NON PATENT LITERATURE DOCUMENTS

(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.

EXAMINER INITIAL		
	B9	Ruzicka, MD, K.; Veitl, MD, M.; Thalhammer-Scherrer, MD, R.; Schwarzingner, MD, I., "The New Hematology Analyzer Sysmex XE-2100: Performance Evaluation of a Novel White Blood Cell Differential Technology", <i>Arch Pathol Lab Med</i> , March 2001 , Vol. 125, pp. 391-396.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.